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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,586	10/20/2003	Sanlian Chen	FP9202	2531

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EXAMINER	
VERBITSKY, GAIL KAPLAN	

ART UNIT	PAPER NUMBER
2859	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H·A

Office Action Summary	Application No.	Applicant(s)	
	10/687,586	CHEN, SANLIAN	
	Examiner	Art Unit	
	Gail Verbitsky	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-21,23,27* is/are rejected.

7)☒ Claim(s) *22,24-26 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 22 and 26 are finally objected to because of the following informalities:

Claim 22: "said connection seat" in line5 lacks antecedent basis.

Claim 26: A) "said connection seat" in line 1 and line 4 lacks antecedent basis.

B) "said bottom cover" in lines 3-4 and "said slot" in line 5 lack antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 16 is finally rejected under 35 U.S.C. 102(e) as being anticipated by Yu (U.S. 20020163955 (published 11/07/2002).

Yu discloses in Fig. 3 a clinical thermometer comprising a first (female) and a second (male) detachable modules. The second detachable module 5 has at least two contacts (electronic elements/ a resistance matching module) 32 which are absent in the first module (body) 1 when the modules are not connected to each other. The two electronic elements 32 contact contacts 31 to connect/ match a temperature

corresponding signal of a temperature measuring chip 21 to the rest of an electronic circuit (power/ display, etc.) located in the first module 1 so as to complete the circuit. The modules are connected by a locking means (connection structure) 41-42.

4. Claims 16-17, 21 and 27 are finally rejected under 35 U.S.C. 102(b) as being anticipated Egawa et al. (U.S. 5232284) [hereinafter Egawa].

Egawa teaches in Fig. 8-9 a clinical thermometer whose main body (measuring body/ first module) 1, a temperature-sensing device (second module), which includes a probe 16, comprises a temperature detecting section 3, which contains a temperature sensitive sensor 3b and an infrared sensor 3a. The sensor 3b is a thermistor (reference resistor) to measure an ambient (room, about 25^0C) temperature of the infrared sensor, and thus, acting as a reference resistor. The sensor 3a is preheated to 36.5 ^{0}C (37^0C). The measuring body (first module) 1 is provided with a power switch 13, a display 6 and a temperature measuring circuit (i.e., amplifier 51, peak and hold circuit 53, etc.) being incomplete, when the second module is not attached to the first module 1. The incomplete measuring circuit is being controlled by an operating section (integrated circuit) 60 of a circuit board 26. Inherently, it is considered, that, when the first module 1 is connected by wiring (connection seat) to the second module via conductive wires/ connective structure 24, 25, the incomplete circuit of the printed board becomes complete.

For claim 21: it is inherent, that the temperature-sensing device (module) 3 is made either of a rigid or of a soft material.

5. Claim 16-17 and 21 are finally rejected under 35 U.S.C. 102(b) as being unpatentable over Pompei (U.S. 6219573).

Pompei discloses in Figs. 1-2, 6, 8 a clinical thermometer comprising a temperature sensing device (second module) including a measuring probe, temperature sensing section, a connection seat, two temperature sensors 28 and 271, a connection structure (connecting wires) connecting the temperature sensing device to a measuring body (second module) 14, as shown in Figs. 6 and 8. The sensor 271 is a thermistor (temperature dependent resistor) measuring an ambient/ cold junction temperature and thus, acting as a reference resistor.

The measuring body (second module) 14, as it is shown in Fig. 8, does not contain the temperature sensors 28 and 271, thus, its measuring circuit incomplete when the second module 14 is not attached to the first module. Furthermore, it comprises a display 16, a switch Ti, 22 and a switch (internal or external) 106 for power mode locking power for a selectable delay. Thus, inherently, the circuit comprises a delay circuit. The measuring body 14 also provided with a flashing mode (col. 15, line 18), and thus, inherently a light generator to provide the flashing mode, and a buzzer (sound source) 90. The incomplete circuit, as shown in Fig. 8, is controlled by a microprocessor (chip/ integrated circuit) 75. The device also has a battery. The measuring module is controlled by an integrated circuit. The two modules are connected with a connection seat, A which is hard (or soft) (the numeral A has been added by the Examiner, see attachment # 2 to the previous Office action).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 19 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Pompei (U.S. 6219573) in view of CN 1304129 A [hereinafter CN].

Pompei discloses in Figs. 1-2, 6, 8 a clinical thermometer comprising a temperature sensing device (second module) including a measuring probe, temperature sensing section, a connection seat, two temperature sensors 28 and 271, a connection structure (connecting wires) connecting the temperature sensing device to a measuring body (second module) 14, as shown in Figs. 6 and 8. The sensor 271 is a thermistor (temperature dependent resistor) measuring an ambient/ cold junction temperature and thus, acting as a reference resistor.

The measuring body (second module) 14, as it is shown in Fig. 8, does not contain the temperature sensors 28 and 271, thus, its measuring circuit incomplete when the second module 14 is not attached to the first module. Furthermore, it comprises a display 16, a switch Ti, 22 and a switch (internal or external) 106 for power mode locking power for a selectable delay. Thus, inherently, the circuit comprises a delay circuit. The measuring body 14 also provided with a flashing mode (col. 15, line 18), and

thus, inherently a light generator to provide the flashing mode, and a buzzer (sound source) 90. The incomplete circuit, as shown in Fig. 8, is controlled by a microprocessor (chip/ integrated circuit) 75. The device also has a battery. The measuring module is controlled by an integrated circuit. The two modules are connected with a connection seat, A which is hard (or soft) (the numeral A has been added by the Examiner, see attachment # 2 to the previous Office action).

Pompei does not explicitly teach a backlight plate and its reset, as stated in claim 19.

CN teaches a microprocessor supplying a current to a backlight plate so as to start light or not (reset) according to a condition of electronic equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the microprocessor in an integrated circuit disclosed by Pompei, so as to incorporate a reset circuit, as taught by CN, in order to reset the light on the backlight on/ off, so as to prolong the service life of the backlight plate, as already suggested by CN.

8. Claim 18 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Pompei in view of Dotan.

Pompei does not disclose buzzer being mounted in an opening.

Dotan discloses in Figs. 1, 3 a device in the field of applicants' endeavor, wherein, a measuring body comprises an integrated/ printed circuit 43 and a buzzer (combination of 46 and a switch/ key 45) mounted at an opening A and on said circuit.

In addition, Dotan teaches key (switch) 45 activating an electrical circuitry to a measuring mode (power switch) is mounted onto the same circuit board (the numeral A has been added by the Examiner, see attachment # 5 to the previous Office Action).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Pompei, so as to have the buzzer mounted in the opening, as taught by Dotan, because the particular location of the buzzer, absent any criticality, is only considered as the "preferred" or "optimum" location that the [person having ordinary skill in the art at the time the invention was made would have been able to determine using routine experimentation based, among other things, on the intended use of the device, etc. See in re Boesch, 205 USPQ 215 (CCPA 1980).

8. Claim 20 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Pompei in view of Intractor (U.S. 20030092971, filed on 11/12/2001).

Pompei discloses in Figs. 1-2, 6, 8 a clinical thermometer comprising a temperature sensing device (second module) including a measuring probe, temperature sensing section, a connection seat, two temperature sensors 28 and 271, a connection structure (connecting wires) connecting the temperature sensing device to a measuring body (second module) 14, as shown in Figs. 6 and 8. The sensor 271 is a thermistor (temperature dependent resistor) measuring an ambient/ cold junction temperature and thus being a reference resistor.

The measuring body (second module) 14, as it is shown in Fig. 8, does not contain the temperature sensors 28 and 271, thus, its measuring circuit incomplete when the

second module 14 is not attached to the first module. Furthermore, it comprises a display 16, a switch Ti, 22 and a switch (internal or external) 106 for power mode locking power for a selectable delay. Thus, inherently, the circuit comprises a delay circuit. The measuring body 14 also provided with a flashing mode (col. 15, line 18), and thus, inherently a light generator to provide the flashing mode, and a buzzer (sound source) 90. The incomplete circuit, as shown in Fig. 8, is controlled by a microprocessor (flexible or rigid chip/ integrated circuit) 75. The device also has a battery. The two modules are connected with a connection seat, A which is hard (or soft) (the numeral A has been added by the Examiner, see attachment # 2 to the previous Office action).

Pompei does not explicitly teach that the incomplete measuring circuit has a wireless transmission for transmitting measured result to the central system, as stated in claim 7.

Intractor in Figs. 1-3 discloses a temperature-sensing device comprising a first module, a second module, and a wireless communication between the second module (incomplete temperature measuring circuit) and a base station (central control system) having a blue tooth (wireless) receiver 140. Thus, the second module comprises a wireless transmission circuit (blue tooth transmitter, paragraph [0018]), in order to perform such a communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Pompei, so as to have a wireless transmitter, as taught by Intractor, so as to allow the operator to transmit the

temperature data to a central location, in order to allow the medical personal to obtain temperature data of a plurality of patients at the same time.

10. Claim 23 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Egawa in view of Hasagawa (U.S. 5810617).

Egawa discloses the device as stated above in paragraph 4.

Egawa does not explicitly teach the particular connection structure comprising a pin header and a socket, as stated in claim 23.

Hasagawa discloses an electrical connection comprising a pin header and a socket.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Egawa, so as to have a an electrical connection comprising a pin header and a socket, as taught by Hasagawa, so as to have a strong electrical connection between the parts, in order to prevent the device from being unexpectedly disengaged during measurements.

Allowable Subject Matter

11. Claims 22, 24-26, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 16-28 have been considered but are moot in view of the new ground(s) of rejection necessitated by the present amendment.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

Gail Verbitsky
Primary Patent Examiner, TC 2800

January 11, 2005